

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

February 18, 2006

Deputy Alan Bash, #[redacted]

Dear Deputy Bash:

On August 2, 2005, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2104863. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of eight (8) days. However, pursuant to a settlement agreement between you and the Department, three (3) of the eight (8) days will be held in abeyance for a period of twelve (12) months which will end on February 17, 2007. If you should become the Subject of a founded administrative investigation, with similar violations, and the event occurred within the prescribed twelve (12) month time period, the three (3) days held in abeyance will be imposed. Additionally, you will be subject to further discipline for each and every founded violation of the Department's Manual of Policy and Procedures. All Departmental records will reflect, nevertheless, that you received a eight (8) day suspension.

The effective dates for the remaining five (5) day suspension are from February 19, 2006_ through February 23, 2006.

An investigation under File Number IAB 2104863, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about November 11, 2003, while on loan to a narcotics task force, you failed to establish

> and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department when during a shooting incident involving Suspect Tommie Campbell, you initially placed yourself in a tactically unsafe position, and/or failed to use cover or concealment, and/or fired numerous rounds at a non-specific target and/or at a non-direct threat, and/or failed to fire in a controlled manner.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Sheila A. Sanchez, A/Captain
Commander, Temple Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

SAS:KM:rjb

c: Advocacy Unit
Neal B. Tyler, Chief, Field Operations Region I
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Temple Station/unit Personnel File

3-01/050.10 Performance to Standards **

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.

Incompetence may be demonstrated by:

- A lack of knowledge of the application of laws required to be enforced
- An unwillingness or inability to perform assigned tasks
- The failure to conform to work standards established for the member's rank or position
- Failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention
- Absence without leave
- Unnecessary absence from an assigned area during a tour of duty.

In addition to the above, the following will be considered to be prima facie evidence of incompetence:

- Repeated poor evaluations
- A written record of repeated infractions of the Department's rules, regulations, manuals, or directives.

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2104863*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

02-18-06

DATE

ALAN BASH, #[redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on ***ALAN BASH*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

02-18-06

DATE

[redacted]

WITNESS SIGNATURE

WITNESS PRINT

Please return this page along with Timekeeping Notification within two (2) business days to:

REBA BARNES
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040
(323) 890-5314

RECEIVED
FEB 2 1 2006
EMPLOYEE RELATIONS

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Alan Bash, Employee Number [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated August 2, 2005, (IAB No. 2104863) upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. The Department will, upon execution of this Agreement, reduce the intended fifteen (15) day suspension to an eight (8) day suspension. The Letter of Imposition shall contain the same charge as the Letter of Intent.

2. The Department will further impose five (5) days of the intended eight (8) day suspension. The remaining three (3) day suspension will be held in abeyance.

3. The Grievant understands that if he becomes the subject of a founded investigation involving a similar violation of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this Agreement, the three (3) days held in abeyance shall be imposed. In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that the Grievant's records will reflect that the eight (8) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. The Grievant further agrees to withdraw his grievance and waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above.

6. The parties further agree that this Settlement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

2-24-06

7. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

8. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

9. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

10. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 02-18-06

[signature]

Alan Bash, Deputy

Date: 2/19/06

[signature]

Neal Tyler, Chief



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



August 2, 2005

Deputy Alan Bash, #[redacted]
[redacted]

Dear Deputy Bash:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days.

An investigation under File Number IAB 2104863, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about November 11, 2003, while on loan to a narcotics task force, you failed to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department when during a shooting incident involving Suspect Tommie Campbell, you initially placed yourself in a tactically unsafe position, and/or failed to use cover or concealment, and/or fired numerous rounds at a non-specific target and/or at a non-direct threat, and/or failed to fire in a controlled manner.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Reba Barnes of the Internal Affairs Bureau at (323) 890-5314, and arranging an appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Richard W. Shaw, Captain
Commander, Temple Station

RWS:KM:rjb

c: Advocacy Unit
Employee Relations Unit
Neal B. Tyler, Chief, Field Operations Region I
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2104863)

I certify that on the date indicated below, I received the original of the attached Letter of Intent under File Number ***IAB 2104863.***

08-02-05

Date

ALAN BASH, #[redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***ALAN BASH.***

8-2-5

Date

WITNESS SIGNATURE

RICHARD SHAW

WITNESS PRINT

Please return this page within two (2) business days to:

REBA BARNES
Internal Affairs Bureau
4900 S. Eastern Ave. #100
Commerce CA 90040
(323) 890-5314



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

September 26, 2005

Sergeant Nick Scinocca, #[redacted]

Dear Sergeant Scinocca:

On August 3, 2005, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2104863. You were also advised of your right to review the material on which the discipline was based.

You did not exercise your right to respond. The grievance period involved has now elapsed, with no change in discipline.

You are hereby notified that you are suspended without pay from your position of Sergeant, Item No. 2717A, with this Department for a period of one (1) day effective September 28, 2005.

An investigation under File Number IAB 2104863, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Section 5-09/210.10, Control of a Pursuit*), on or about November 11, 2003, you failed to assume the responsibilities of your position and/or perform your duties in a manner which would tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department when you neglected to communicate that you were chasing a vehicle and/or by not recognizing that you and

Deputy Ferguson were, in fact, in pursuit of the suspect vehicle, and/or failed to provide any information to the Sheriff's Communication Center and/or as a supervisor, failed to adequately assume control and supervise the incident.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rule 18.01(c) of the Civil Service Rules.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

William M. Ryan, Captain
Commander, Narcotics Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

WMR:KM:av

c: Advocacy Unit
Richard L. Castro, Chief, Detective Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Narcotics Bureau/Unit Personnel File

3-01/050.10 Performance to Standards **

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.

Incompetence may be demonstrated by:

- A lack of knowledge of the application of laws required to be enforced
- An unwillingness or inability to perform assigned tasks
- The failure to conform to work standards established for the member's rank or position
- Failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention
- Absence without leave
- Unnecessary absence from an assigned area during a tour of duty.

In addition to the above, the following will be considered to be prima facie evidence of incompetence:

- Repeated poor evaluations
- A written record of repeated infractions of the Department's rules, regulations, manuals, or directives.

3-01/030.10 Obedience to Laws, Regulations, and Orders

Members shall not willfully violate any federal statute, State law, or local ordinance.

Members shall conform to and abide by the following:

. Charter of Los Angeles County
. Los Angeles County Code
. Rules of the County Office of Human Resources

Members shall obey and properly execute all lawful orders issued by any supervisor of higher rank or classification or who is officially acting in such capacity.

When assigned to duty with another member of the Department, an employee shall be subject to disciplinary action for any violation by the other member of any provision of this Chapter unless the employee was unaware of the violation or unless the employee, if the situation permits safe and prudent action, attempts in good faith to prevent the violation, and, at the earliest reasonable time, reports the violation to his supervisor.

Members who violate any rules, regulations, or policies of the Department or the County shall be subject to disciplinary action. The commission or omission of any other act contrary to good order and discipline shall also be the subject of disciplinary action.

Members who are arrested for any offense, other than an infraction under the Vehicle Code, shall promptly notify their immediate supervisor of the facts of the arrest.

According to the nature of the offense, and in conformance with the rules of the County Office of Human Resources, disciplinary action may include, but is not limited to, the following:

- A reprimand (written) *
- Suspension without pay
- Reduction in rank
- Dismissal from the Department

5-09/210.10 Control of a Pursuit

Primary Unit Responsibility

The deputy initiating a pursuit shall, in all cases, immediately provide the station watch commander with the following information through SCC:

- Unit identification,
- Location, speed and direction of travel,
- The specific reason for the pursuit, including known laws violated,
- Vehicle description, including license number, if known,
- Number of occupants,
- Traffic conditions.

Failure to immediately volunteer the above information shall be cause for the station watch commander to order termination of the pursuit.

The initiating or primary unit shall be in field command and bears operational responsibility for the pursuit unless relieved by a supervisor.

The authority of the primary pursuit unit pertains to the immediate field operation and is, at all times, subordinate to the command of the field supervisor and station watch commander.

Any time a pursuit is initiated due to a "possible" crime, including drunk driving, personnel shall be required, subsequent to the pursuit, to articulate to the watch commander the objective criteria which led them to believe the suspect(s) was involved in criminal actions.

Assisting Unit Responsibility

Assistance will be coordinated by the SCC Dispatcher, who will immediately activate the duplex patch and advise the primary unit regarding the identity and location of back-up units who can assist.

The active pursuit shall normally consist of no more than three units: the primary unit and two back-up units. If more assistance is specifically requested, the amount will be determined by:

- Nature of crime,
- Number of suspects,
- Whether participating units are one or two-man cars,
- Other clear and articulated facts that would warrant the increased number of units.

Only a field supervisor or watch commander may authorize more than three units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit but shall not actively participate and shall not roll Code 3 unless specifically authorized, nor shall they roll Code 3, paralleling the pursuit on adjacent streets.

The assisting units, upon joining the pursuit, shall notify the SCC Dispatcher of their identity. If the primary unit is a one-man unit, the first assisting unit may assume radio broadcast responsibility, allowing the primary unit to devote his full attention to driving.

If the primary unit becomes disabled, the first assisting unit will then become the primary unit. The SCC Dispatcher will advise field units that a new back-up unit is needed and the next unit to join the pursuit will be designated the back-up unit.

SCC Responsibility

Upon the initiation of a pursuit by a field unit, SCC shall immediately request an aero unit.

Supervisory Responsibility

Field Sergeant

The field sergeant of the originating unit, or the unit assisting an outside agency, shall actively monitor the pursuit. If there is no field sergeant, the watch commander shall deploy the watch sergeant, or request the assistance of the field sergeant of the station nearest the pursuit. If necessary, the sergeant shall assert control of the pursuit by directing specific units into or out of the pursuit, redesignating primary and/or back-up responsibilities or by terminating the pursuit. As with any tactical field problem, it is not necessary that the sergeant be physically present to begin coordination.

The sergeant shall respond to the terminus of the pursuit, oversee post-pursuit discipline and assert control when warranted. The sergeant will ensure compliance with all Department policy, specifically as it relates to the use of force.

Watch Commander

The watch commander of the station initiating the pursuit shall be in overall command of the operation. This command responsibility shall include all Department units involved in the pursuit.

If deputy personnel from a unit other than a station, in transit from one assignment to another, or from their headquarters to an assignment, initiate a pursuit, the SCC watch sergeant shall notify the watch commander of the nearest station who shall assume immediate command of the operation.

The station watch commander shall respond to the desk area and immediately take command. In order to maintain operational command and control, the watch commander, either directly or through subordinate personnel, shall establish "cold line" communications with the SCC watch sergeant. The sergeant shall immediately and directly carry out the requirements of the watch commander. If necessary to assert operational control, the watch commander may communicate with field units via station transmitting capabilities. This should rarely be necessary.

The station watch commander shall make a decision based upon his assessment of the information received, the weather and traffic conditions, regarding the continuation or termination of the pursuit. In the absence of immediate information from the field, he shall order termination of the pursuit.

Should the watch commander be in the field during a pursuit, he shall accomplish the requirement of his duties by use of his car radio. When the watch commander is in the field, he may authorize the watch sergeant to assume operational control of the operation from the desk. This does not alleviate the watch commander from overall responsibility for the pursuit.

Note: For purposes of clarification, references to the watch commander elsewhere in this policy will apply to the watch sergeant wherein the watch sergeant has assumed "operational control".

Aero Bureau Responsibility

An aero unit will attempt to become involved in every pursuit initiated by Sheriff's deputies or being conducted in Sheriff's jurisdiction. This aero unit will be under the command of the station watch commander, who has overall responsibility for the pursuit. The aero unit shall follow the instructions of the watch commander unless these directions jeopardize the safety of the aero unit or ground units involved in the pursuit. In the event the aero unit receives a directive which cannot be responded to or completed for reasons of safety, they will advise the station watch commander.

At the time of initial visual contact with the vehicle pursuit, the aero unit shall broadcast the total number of ground units actively involved and if tactical conditions permit, identify the rooftop numbers of the primary pursuit vehicle and the two back-up units.

Once the aero unit is in a position to maintain visual contact with the pursued vehicle, they shall so notify SCC and radio broadcast responsibility for the pursuit then shifts to the aero unit. All ground units, except the primary pursuit vehicle, and one back-up unit, will terminate their Code 3 and obey all the rules of the road. If it is not immediately established which units are primary and back-up, the aero unit shall designate the primary unit and the back-up by roof number. All other units will immediately disengage from the pursuit. The aero unit will broadcast to the watch commander the roof number of any non-designated unit which does not immediately disengage from the pursuit.

Note: As circumstances dictate, the watch commander may authorize more than one back-up unit in the pursuit.

The aero unit will continue to broadcast the location of the suspect vehicle and advise ground units of upcoming traffic congestion, road hazards or any other information which will increase the margin of

safety. This will not alleviate participating ground units from exercising due regard for the safety of themselves and the public.

Although radio broadcast responsibility has shifted to the aero unit, overall command continues to rest with the station watch commander.

The aero unit shall continue the pursuit to its terminus or until conditions necessitate aero's disengagement. Ground units shall reassume radio broadcast responsibilities of the pursuit and determine whether or not to terminate the pursuit if circumstances dictate.

The aero unit is under the direction of the watch commander and will remain at the terminus of the pursuit and respond to the instructions of the watch commander, whose authorization must be sought prior to departing the scene.

If a watch commander orders the termination of a pursuit, the involved aero unit shall discontinue further broadcasts of the pursued vehicle's location on any Sheriff's frequency, but may request permission from the station watch commander to continue monitoring the vehicle's location and notify adjoining agencies of the once pursued vehicle entering their jurisdiction. If specific permission to follow the vehicle is not granted by the watch commander, the aero unit shall terminate further attempts to follow or surveil the pursued vehicle. If the watch commander allows the aero unit to continue monitoring, following or surveilling the pursued vehicle, the aero unit shall maintain visual contact with the pursued vehicle. If the vehicle enters another Sheriff's station area, the aero unit shall comply with the original station watch commander's instructions regarding notification of the pursued vehicle's location. In no event shall the aero unit begin rebroadcasting the location and direction of travel of the pursued vehicle without specific authorization from the affected station or outside agency watch commander. Once the suspect stops the vehicle for whatever reason, the aero unit shall inform the patrol units in the concerned area, as well as the watch commander from the station where the pursuit originated and from the affected jurisdiction or station. Unless told otherwise by either watch commander, the aero unit shall coordinate assisting ground units to the suspect.

Post Pursuit Discipline

Safety is critical at the termination of a pursuit. At no time will the need for decisive action, self-control and strict personal discipline be more essential. The primary pursuit unit retains the responsibility for maintaining control and directing activities at the terminus of a pursuit, unless relieved by a supervisor. Once a Code 4 has been broadcast, no other deputies will respond to the terminating point of a pursuit unless specifically requested. Assisting units already present will immediately vacate the area once their specific mission has been completed.

Pursuit Evaluation and Reporting

Following a pursuit, it shall be the responsibility of the watch commander supervising the pursuit to cause the pursuit to be debriefed. This debriefing will be conducted to assess the areas of improvement which can be taken by the participants in future pursuits and to create training materials for other personnel. This debriefing may be conducted by the field sergeant and discussed with the watch commander who

shall memorialize the debriefing in a memorandum to the unit commander. Efforts should be made, whenever possible, to include Aero Bureau participants in the debriefing.

- The watch commander shall also complete the Department Pursuit Evaluation form and immediately submit the form to the unit commander for review,
- The unit commander who is charged with command responsibility for the Sheriff's vehicle engaged in the pursuit, shall review the Pursuit Evaluation form. The purpose of the unit commander's review is to determine if the pursuit was within Department policy and to determine if the pursuit was properly managed,
- The unit commander shall cause the Department Pursuit Evaluation form to be submitted to the Professional Standards and Training Division, Risk Management Bureau, Traffic Services Detail within two business days,
- Professional Standards and Training Division, Risk Management Bureau, Traffic Services Detail shall complete the California Highway Patrol, CHP-187, form and forward the form to the State.

The Pursuit Evaluation form is available on the Sheriff's Data Network.

(Attachment)
Civil Service Rule 18.01

C. An employee who is suspended for up to five (5) days may appeal such suspension to the Director of Personnel. Any such appeal must be in writing, shall contain specific detailed information, and must be received by the Director of Personnel within fifteen (15) business days of the employee's notification of the suspension. Please send your appeal to the Director of Personnel, Appeals Division, Kenneth Hahn Hall of Administration, 222 North Grand Avenue, Room 555, Los Angeles, California 90012. The Director of Personnel may not consider any information or charges made by the appointing power unless they are contained in the letter of suspension, nor any made by the employee unless the employee has previously provided them to the appointing power for consideration, unless such information or charges were not then known and could not have reasonably been expected to be known by the appointing power or employee. The Director of Personnel shall determine whether or not to consider the appeal, or whether or not the suspension is justified. (Ord. 88-0020 1 (part), 1988.)

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2104863*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

09/26/05
DATE

Nick Scinocca [redacted]
NICK SCINOCCA, # [redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on ***NICK SCINOCCA*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

09/26/05
DATE

William Ryan
WITNESS SIGNATURE

WILLIAM RYAN
WITNESS PRINT

Please return this page along with Supervisor/Timekeeper Notification within two (2) business days to:

ANGELA VARGAS
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040
(323) 890-5313



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

August 3, 2005

Sergeant Nick Scinocca, #[redacted]

Dear Sergeant Scinocca:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Sergeant, Item No. 2717A, with this Department for a period of one (1) day.

An investigation under File Number IAB 2104863, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Manual Section 5-09/210.10, Control of a Pursuit*), on or about November 11, 2003, you failed to assume the responsibilities of your position and/or perform your duties in a manner which would tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department when you neglected to communicate that you were chasing a vehicle and/or by not recognizing that you and Deputy Ferguson were, in fact, in pursuit of the suspect vehicle, and/or failed to provide any information to the Sheriff's Communication Center and/or as a supervisor, failed to adequately assume control and supervise the incident.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Angela Vargas of the Internal Affairs Bureau at (323) 890-5313, and arranging an appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

William M. Ryan, Captain
Commander, Narcotics Bureau

WMR:KM:av

c: Advocacy Unit
Employee Relations Unit
Richard L. Castro, Chief, Detective Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2104863)

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number ***IAB 2104863***.

08/03/05
Date

Nick J. Scinocca
NICK SCINOCCA, #[redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***NICK SCINOCCA.***

08/03/05
Date

William Ryan
WITNESS SIGNATURE

WILLIAM RYAN
WITNESS PRINT

Please return this page within two (2) business days to:
ANGELA VARGAS
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE., #100
COMMERCE CA 90040
(323) 890-5313

761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: April 5, 2005

OFFICE CORRESPONDENCE FILE:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: WILLIAM M. RYAN, CAPTAIN
NARCOTICS BUREAU
RICHARD W. SHAW, CAPTAIN
TEMPLE STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, NOVEMBER 12, 2003, INVESTIGATION #2104863 (AKA #2103454)**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on November 12, 2003.

The Committee met on March 22, 2005, and consisted of myself and Commanders Kenneth Brazile (Commander of the Department) and Robert Binkley (FOR III). The Committee deemed:

- as **Founded** the allegation that Sergeant Nicholas Scinocca #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (re: 5-09/210.10, Control of a Pursuit), and

- as **Founded** the allegation that Deputy Angus Ferguson #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (re: 5-09/210.10, Control of a Pursuit), and

- as **Unfounded** the allegation that Deputy Steven Leavins #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and

- as **Unfounded** the allegation that Deputy Troy Ewing #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and

- as **Founded** the allegation that Deputy Alan Bash #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and

- as **Unfounded** the allegation that Deputy [redacted] #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards.

The Committee recommended that Deputy Bash be suspended for a period of **fifteen (15) days** without pay from the position of Deputy, Sergeant Scinocca be suspended for a period of **one (1) day** from the position of Sergeant, and Deputy Ferguson be given a **Written Reprimand**.

The Committee recognized the additional training and procedural changes that have occurred within the Detective Division since this occurrence. The Committee directed that Deputy Bash receive additional training through the Laser Village training program.

Cc: Richard Shaw, Captain
Temple Station

JGJ:KRK:kk



Table of Contents

Volume I

Table of Contents

Volume II

Exhibits:

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 11-11-03	Bureau/Station/Facility: Narco/COMNET/Temple Station	Admin. Invest.? ☒ Hit? ☒

URN: 403-01860-3670-057	Date: 11-11-03 Time: 1815
City or Station: Duarte	Nature of Incident: Sergeant Nick Scinocca, Deputies Troy Ewing, Angus Ferguson and Stephen Leavins, Narcotics Bureau, and Temple Station Deputies, assigned to COMNET were involved in a hit shooting incident involving Suspect Tommie Campbell.
Location: [redacted] Goodall Avenue Duarte, CA	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, (Street) [circled], Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other, (Street Lights) [circled]

Weather (*circle only one*): (Clear) [circled], Cloudy, Fog, Rain

Distance: 10'/20'/40'

Incident Type (*circle one or more*): Accidental, Armed Person, (Fleeing Suspect) [circled], Foot Pursuit, Gun Take Away, (Moving Vehicle) [circled], Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, (Vehicle Pursuit) [circled], Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, (Observation) [circled], One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): (Detective) [circled], Inmate Transport, Other, Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
78-79	0	☐	☐

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]	[redacted]	EM PM (Day)	(Regular) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Last Name	First Name	M.I.			
[redacted]	[redacted]				
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph: [redacted]	
[redacted]	[redacted]				
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph: [redacted]	
[redacted]	[redacted]				
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph: [redacted]	

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Scinocca	Nicholas		(On Duty) (Present during shooting) Witness to shooting (Involved in shooting)
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Employee #	Last Name	First Name	M.I.

Employee #	Last Name	First Name	M.I.
[redacted]	Cook	Robert	

PSTD Use Only
SH # 2103454

Officer Involved Shooting

URN: 403-01860-3670-057

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11-11-03	2045	12-20-04	

Employee #	Last Name	First Name	M.I
[redacted]	Landreth	Larry	L
[redacted]	Gregg	Lawrence	R
[redacted]	Johnson	Gregory	H

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

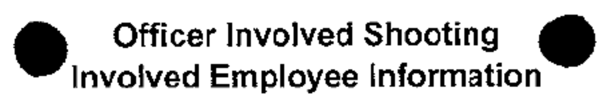
Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#4	OV	-	-	-	-	NN	-
E#4	S#1	FH	BR	9	Y	Y	GS	BK
S#1	E#3	OV	-	-	-	-	NN	-
E#3	S#1	FH	BR	9	Y	Y	NN	-
E#4	S#1	FH	BR	9	Y	Y	NN	-
S#1	E#1	OV	-	-	-	-	NN	-
S#1	E#1	UC	-	-	-	-	NN	-
S#1	E#2	UC	-	-	-	-	NN	-
S#1	E#3	UC	-	-	-	-	NN	-
S#1	E#4	UC	-	-	-	-	NN	-
E#1	S#1	FH	BR	9	Y	Y	GS	AB
E#3	S#1	FH	BR	9	Y	Y	GS	AB
E#4	S#1	FH	BR	9	Y	Y	GS	AB
E#5	S#1	FH	BR	9	Y	Y	GS	AR
E#6	S#1	FH	BR	9	Y	Y	GS	AR
E#1, #3	S#2	FH	BR	9	Y	Y	GS	AB
E#4 #5	S#2	FH	BR	9	Y	Y	GS	AR
E#6	S#2	FH	BR	9	Y	Y	GS	LE

See Front Side


Officer Involved Shooting
Involved Employee Information

URN: 403-0:.80... .6/0-05

E 1

Employee # [redacted]	Last Name: Scinocca	First Name: Nicholas	M.I.
Sex: M Race: W	Rank: Sergeant	Unit Assignment: Narco/COMNET	Work Assignment (Unit #, Module, etc.): COMNET
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 9	Duty Time (hrs): [redacted]	Clothing (*circle only one*): (Plain Clothes no Vest) Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest	Other Factors: No laser sights on weapon
Age: [redacted] Height: 6-01	Weight: 200		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 3
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name: Ferguson	First Name: Angus	M.I.
Sex: M Race: W	Rank: Dep/B-1	Unit Assignment: Narco/COMNET	Work Assignment (Unit #, Module, etc.): COMNET
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 9	Duty Time (hrs): [redacted]	Clothing (*circle only one*): (Plain Clothes no Vest) Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest	Other Factors: No laser sights on weapon
Age: [redacted] Height: 6-05	Weight: 260		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 2
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 3

Employee # [redacted]	Last Name: Leavins	First Name: Stephen	M.I.: E
Sex: M Race: W	Rank: Dep/B-2	Unit Assignment: Homicide	Work Assignment (Unit #, Module, etc.): COMNET
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 9	Duty Time (hrs): [redacted]	Clothing (*circle only one*): (Plain Clothes no Vest) Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest	Other Factors: No laser sights on weapon
Age: [redacted] Height: 5-10	Weight: 175		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 2
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]



Officer Involved Shooting
Involved Employee Information

URN: 403-01860-3670-057

E 4

Employee # [redacted]	Last Name: Ewing	First Name: Troy	M.I.: W.
Sex: M Race: W	Rank: Dep/B-1	Unit Assignment: Narco/COMNET	Work Assignment (Unit #, Module, etc.): COMNET
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): (Plain Clothes no Vest) Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest	Other Factors: No laser sights on weapon
Age: [redacted]	Height: 5-11 Weight: 195		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 2
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E 5

Employee # [redacted]	Last Name: Bash	First Name: Alan	M.I.: L.
Sex: M Race: W	Rank: DSG	Unit Assignment: Temple	Work Assignment (Unit #, Module, etc.): 50X
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest (Uniform w/ Vest)	Other Factors: No laser sights on weapon
Age: [redacted]	Height: 6-02 Weight: 260		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 6

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: M Race: W	Rank: DSG	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): EM PM [redacted]	ShiftType (*circle only one*): [redacted] Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest (Uniform w/ Vest)	Other Factors: No laser sights on weapon
Age: [redacted]	Height: 6-01 Weight: 200		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

See Other Side

Officer Involved Shooting Suspect Information

URN: 403-01860-3670-057

S 1

Last Name: Campbell		First Name: Tommie	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: M Race: B	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 33 D.O.B. 03-29-71	Height: 6-00 Weight: 220	FBI # [redacted]	CII # [redacted]
Booking # 7905705	Primary Charge: 664/187 PC`	Secondary Charge: 245B PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Ford CA Lic# [redacted]		Model: Explorer	Year: 1994

S 2

Last Name: Goods		First Name: Simona	M.I.: S.
AKA Last Name: Wilfred		First Name: Simona	M.I.: S.
Sex: F Race: B	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 27 D.O.B. 10-13-77	Height: 5-04 Weight: 130	FBI # [redacted]	CII # [redacted]
Booking # 7905706	Primary Charge: 664/187 PC`	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

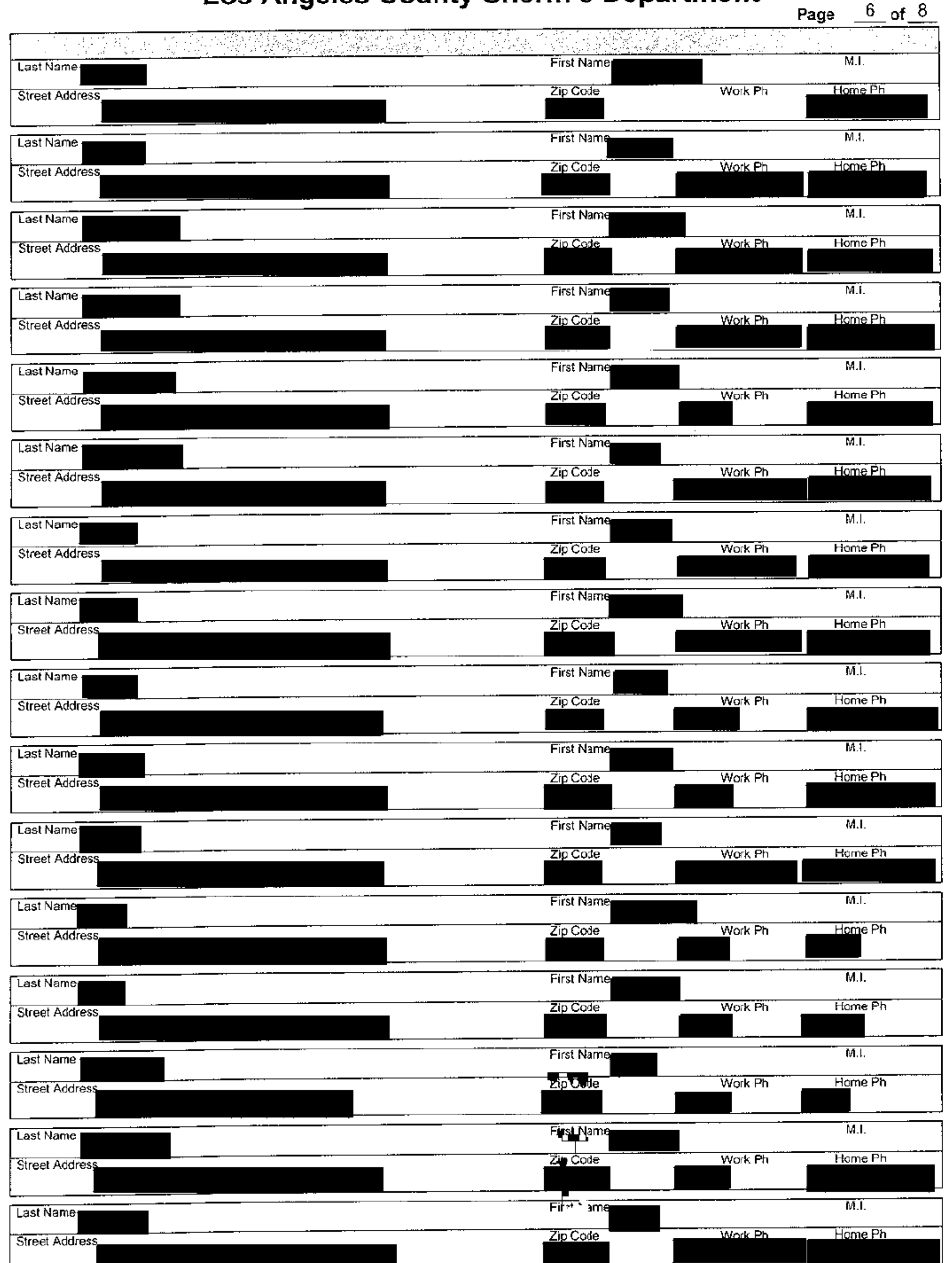
S __

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S __

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

October 15, 2004

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 03-0877
L.A.S.D. File No. 003-01860-3670-057

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 11, 2003, non-fatal shooting of Tommie Campbell and Simona Wilfred by Los Angeles County Sheriff's Deputies Troy Ewing, Steve Leavins, Angus Ferguson, Nick Scinocca, [redacted] and Alan Bash. We have concluded that the deputies acted lawfully in self-defense and in the defense of others.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department submitted to this office by Investigators Robert Harris and Joseph Martinez between February 18, 2004 and May 3, 2004. Additionally, the District Attorney Command Center was notified of the shooting at approximately 6:45 p.m. on November 11, 2003. The District Attorney Response Team, comprised of Deputy District Attorney Edward Miller and District Attorney Senior Investigator [redacted] responded to the scene. We were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered as part of this analysis.

FACTUAL ANALYSIS

On November 11, 2003, Detectives Troy Ewing, Steve Leavins, Angus Ferguson,

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

Sergeant Nick Scinocca and Deputies [redacted] and Alan Bash were assigned to the Community Oriented Multi-Jurisdictional Narcotics Enforcement Team (C.O.M.N.E.T.). This team is charged with investigating illegal narcotics activities. [redacted] and Bash wore uniforms consisting of green polo shirts with embroidered badges and patches and were assigned to a marked patrol car. The rest of the team wore plain clothes and drove undercover vehicles. Ewing and Ferguson wore badges suspended from necklaces. Leavins wore a green raid vest with a cloth badge on the front and "Sheriff" written on the back.

At approximately 4:00 p.m., [redacted] began a surveillance of [redacted] East Wyland Way in the unincorporated area of Monrovia. Approximately two weeks before, an informant had advised [redacted] that this location was involved in narcotics sales activity.

[redacted] attention was drawn to Tommie Campbell. Campbell drove up in a Ford Explorer and parked in the driveway of [redacted] A short time later, an African-American female parked a Chevrolet Beretta, that had no license plate, at the curb in front of the location. The female contacted Campbell, who was standing in the driveway. Campbell appeared to be watching vehicle and pedestrian traffic, as he conversed with her.

Campbell walked to the Beretta and opened the trunk. He then walked to the Explorer, opened the driver's door, released the hood and continued to watch pedestrian traffic. Campbell opened the hood of the Explorer and removed a black plastic grocery bag from inside the engine compartment. He then walked back to the Beretta and put the bag inside the trunk, all the while continuing to watch traffic. Campbell closed the trunk, then pulled up and down on the trunk lid to make sure it was locked. He went inside the residence and came out about ten minutes later. He again checked that the Beretta's trunk was closed. Campbell then entered the Explorer and drove away from the location.

Approximately two hours later, Campbell returned, driving the Explorer, and again parked in the driveway. Campbell got out of the Explorer and walked to the trunk of the Beretta. Campbell opened the trunk and removed an object. Because it was now dark, Lord had difficulty seeing, but believed that the object was the plastic bag that Campbell had put in the trunk earlier. Campbell closed the trunk, again looked around, then entered the Explorer. Campbell again drove away. [redacted] believed that Campbell was transporting narcotics and advised his team members of his observations. He requested that Campbell's vehicle be stopped. Because the deputies in the patrol car were not immediately available, the detectives agreed that they would contact Campbell if he stopped prior to the arrival of the patrol car.

Detective Leavins began following Campbell as he turned from Myrtle Avenue east onto Pamela Road. Ewing, Ferguson and Scinocca joined in following Campbell as he drove along various side streets. Campbell turned north onto Goodall Avenue (hereafter, "Goodall") where he abruptly drove across the oncoming lane of traffic and stopped against the west curb in front of [redacted] Goodall, facing north in the southbound parking

lane. The front of Campbell's Explorer was facing the front of a parked Chevrolet Tahoe. Detective Ferguson pulled in directly behind Campbell to block his vehicle in. Detective Ewing stopped in the middle of the street to the right of Ferguson, and Leavins pulled up behind Ewing. Scinocca stopped parallel to the passenger side of Campbell's vehicle.

Detective Ewing walked up to the left rear corner of the Explorer and saw that its driver's side window was partially rolled down. The engine was running. Detective Leavins walked behind Ewing and was also positioned behind the Explorer. Detective Ewing shouted approximately three times, "Sheriff's Department, turn the car off." The Explorer's back-up lights came on and Campbell accelerated the engine. The Explorer's rear tires screeched as they broke traction and Campbell drove at high speed in reverse toward Ewing and Leavins. Fearing they would be hit, Ewing and Leavins jumped out of the way. Ewing fired three to four rounds at the driver's side of the Explorer. Campbell rammed into the front of Detective Ferguson's vehicle, then drove away at high speed north on Goodall.

Detective Ferguson and Sergeant Scinocca followed as Campbell turned west onto El Sur Street (hereafter, "El Sur"), north on Wesleygrove Avenue and east on Euclid Avenue. The pursuit continued from Euclid Avenue south onto Goodall and back toward El Sur. From this direction, however, there are raised road barriers which block further travel at the point where Goodall intersects with El Sur. These barriers are north of the area of Goodall where Ewing fired rounds at Campbell. Campbell drove around the barriers west onto El Sur and Detective Ferguson followed. Scinocca, however, fell behind and stopped on El Sur.

Campbell drove southbound on Wesleygrove Avenue, east on Maydee Street, then again turned north onto Goodall toward the scene of the initial shooting, where Ewing and Leavins remained. Detective Ferguson lost control of his vehicle and crashed into a fire hydrant at the southeast corner of Maydee Street and Goodall. Campbell fishtailed as he turned onto Goodall, but regained control.

Detective Leavins was standing in the street attempting to retrieve a notepad from the driver's door area of his vehicle when he heard the sound of tires screeching. He looked up and saw Campbell driving at a high rate of speed directly at him. Leavins described himself as feeling troubled by Campbell's return, since Campbell simply could have left the area if he wanted to get away. Because Campbell had instead chosen to return to an area where he knew the deputies would be, Leavins believed that Campbell had returned to kill him.

Detective Leavins moved away from his vehicle and took cover behind another parked car. Campbell continued to drive directly at him. Leavins, in the belief that Campbell was going to kill him, fired four or five rounds at him. Detective Ewing also fired three to five rounds at him. Campbell drove directly into the back of Leavins' vehicle. The impact drove Leavins' vehicle about sixty feet north and missed striking Leavins by

approximately five feet. Campbell continued driving north on Goodall, back toward El Sur. Ewing noted there was a gap on the east side of the street that Campbell could have safely driven through, but he instead drove directly at Leavins.

Sergeant Scinocca, who was still sitting in his van on El Sur, saw Campbell approaching. He also believed that Campbell had possibly returned to harm him. He backed up his van in order to make room for Campbell to drive through. Campbell turned left onto El Sur and struck the front of Scinocca's van. Campbell then crashed into a wall at the south curb area of El Sur. Sergeant Scinocca took a position at the right rear of his van. Detective Ferguson, who had run to the location, took position at the front of Scinocca's van.

Campbell and Simona Wilfred exited through the front passenger door of the Explorer simultaneously. Sergeant Scinocca described their bodies as intertwined, with Campbell exiting on top of Wilfred. They both fell to the ground. Up to this point, the deputies were not aware that Wilfred was in the Explorer. It was dark and the lighting was poor.

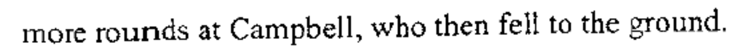
Another shooting incident ensued, in which Sergeant Scinocca, Detective Ferguson, Detective Ewing, Deputy Bash and Deputy [redacted] fired a large number of rounds. In brief, the deputies fired at Campbell because he held his hands in the area of his waist and they believed he might be armed with a firearm. Deputy Bash fired rounds at Wilfred because he believed she had a gun and was firing at him and the detectives. Campbell and Wilfred were subsequently taken into custody. The rapidly developing nature of this incident requires that it be described in detail from the perspective of each of the deputies who fired rounds.

Sergeant Scinocca

Sergeant Scinocca stated that Wilfred was attempting to stand and was screaming. Campbell was crouched forward, facing Sergeant Scinocca, with his left hand on the ground supporting his body weight and his right hand in a fist at the front area of his stomach.

Sergeant Scinocca shouted, "Down, get down. Sheriff's Department, get down." Scinocca, fearing that Campbell was retrieving a weapon, fired five rounds at him. Campbell dropped toward the ground and on top of Wilfred. As Wilfred attempted to stand up, Campbell got up again. Campbell now had both of his hands in front of his body at his groin area. Scinocca fired five additional rounds at him. Campbell fell down against the open passenger door of the Explorer.

Scinocca commanded Campbell and Wilfred to stay down. They both, however, began to get back up. Wilfred looked in the direction of Scinocca and moved her right hand up along her pant leg to her right hip. Campbell moved around Wilfred to a position behind the open passenger door of the Explorer. Scinocca fired five



more rounds at Campbell, who then fell to the ground.

Detective Ferguson

Detective Ferguson stated that Campbell was crouching, bent over at the waist and his hands were out of view in his waist area. Ferguson further described Campbell as "fumbling around in his waist as he is jumping out of the car." Ferguson believed Campbell was a narcotics dealer and a gang member who was going to do what ever he had to do to get away. He thought that Campbell had a gun and was going to start shooting at Sergeant Scinocca, Detective Ewing and him. Campbell looked at all of the detectives and did not comply with commands, as the detectives identified themselves as "police" and told him to put his hands up and not to move. Believing that Campbell was going to pull out a gun, Detective Ferguson fired approximately five rounds at him. Campbell ran west in a crouch as if he was seeking cover behind parked cars.

Campbell subsequently crouched, supporting himself with his left hand on the ground and holding his right hand in front of his waist area. He looked directly at Ferguson. Ferguson repeatedly told him to put his hands up, but he did not comply. Again, out of fear that Campbell had a gun and would start shooting, Detective Ferguson fired five rounds at Campbell. Campbell put his hands up, went down to the ground and said, "I've been shot." Ferguson did not become aware of Wilfred's presence until after the firing had ceased.

Detective Ewing

After hearing Campbell's vehicle crash, Detective Ewing ran north on Goodall. He heard gunshots before he reached the corner of El Sur. He ran to the front of Sergeant Scinocca's van and saw Campbell exit the front passenger door of the Explorer. Campbell was bent over at the waist with his hands near his groin. His right hand was held in a fist-like manner as if he were holding something. Out of fear that Campbell was pulling a gun out of his waistband, Ewing fired the remaining rounds in his pistol at him. (Ewing told investigators that his gun was loaded with one round in the chamber and a full magazine of fifteen rounds. Therefore, he fired sixteen rounds during his three encounters with Campbell.) Campbell continued to hold his hands at his waistband and began crawling. He moved west along the sidewalk and out of Ewing's view. The shooting continued as Ewing saw a patrol car approaching from the west. Ewing shouted for everyone to stop shooting in order to avoid a crossfire situation and because it appeared that Campbell was no longer moving. Ewing subsequently saw Wilfred lying on the sidewalk. He had not seen her before and did not know where she came from.

Deputy Bash

Deputies Bash and [redacted] arrived at the scene in the marked patrol car.

Deputy Bash was driving. After seeing Detective Ferguson crash into the fire hydrant, Bash heard the sound of gunshots as he drove north on Goodall. He stopped the car, heard many more gunshots, and ran to a position near the south curb of El Sur. Bash heard what he believed to be the sound of bullets "wiz" by his head and saw Campbell and Wilfred near the passenger door of the Explorer. Campbell was looking at the detectives and deputies, while crouching down with his right hand held in a fist-like manner at his front waist area. Campbell's left hand was covering his right hand. Bash saw Detective Ferguson firing at Campbell and Wilfred. Bash believed that Campbell and Wilfred were shooting at him (Bash) and the detectives. Bash fired several volleys of three rounds at Campbell and Wilfred. Bash changed magazines and subsequently saw Wilfred holding her hands down toward her waistband as if she had a gun. Bash again fired at her. Wilfred went down and behind a parked vehicle. Bash fired a total of twenty-seven rounds.

Deputy [redacted]

After exiting the patrol car and arriving on El Sur, Deputy [redacted] saw Sergeant Scinocca and Detectives Ewing and Ferguson firing at the Explorer. [redacted] stated that as Campbell was exiting the Explorer, he moved his hands toward his waistband. [redacted] thought that Campbell was retrieving a gun and fired three rounds at him. Campbell stumbled downward, but ignored orders to stay down and show his hands. He tried to get up and again moved his hands toward his waistband. [redacted] fired three more rounds at him. Though other deputies continued to fire, [redacted] did not fire any more rounds after this point.

Paramedics were called and Campbell and Wilfred were transported to Huntington Memorial Hospital. They each sustained multiple gunshot wounds.

Investigators recovered a black plastic bag that contained 57.1 grams of marijuana and two receipts with Campbell's name from the trunk of the Beretta. It was the opinion of [redacted] a narcotics expert, that the marijuana was possessed by Campbell for the purpose of sales.

Inside the Explorer, investigators found a digital gram scale under the rear passenger-side seat. Investigators recovered a nylon bag containing a loaded semi-automatic pistol, a pair of handcuffs and a stun gun from inside the engine compartment. Investigators also found $980 in Campbell's wallet. Wilfred's purse was found just outside of the Explorer. Inside the purse was a plastic bag containing 27.3 grams of marijuana.

Fifty-seven expended cartridge casings were recovered from the El Sur shooting scene. Ten expended casings were recovered from the Goodall shooting scene. No weapons were found in Campbell's or Wilfred's possession. Nor were any weapons recovered from the street area of El Sur.

Campbell's Criminal Record

Campbell was on [redacted] He has [redacted]

Statements by Civilians

Simona Wilfred told investigators that she lives with Campbell and that he is the [redacted] of her [redacted] She made inconsistent statements about this incident. She initially told investigators that Campbell picked her up at work and that they drove without stopping to Campbell's [redacted] house on Goodall . Campbell did not shut off the engine because it was going to be a quick stop. As Campbell was getting out of the car, Wilfred looked in her rear view mirror and saw a vehicle pull behind them. Two men exited and approached the Explorer with guns drawn. Wilfred told Campbell, "Tommie they have guns." Campbell sped away and people began shooting at them. Wilfred subsequently saw a marked police car, which she pointed out to Campbell, but he continued to drive. When Campbell crashed the Explorer, he told her to get out. She went under another car because people were shooting at her. She saw the officers and heard one of them say, "Put your hands up." She believed the officers were talking to her assailants and were taking them into custody.

When investigators advised Wilfred that they had additional information, she admitted that Campbell stopped at a residence off of Myrtle Avenue, which intersects with East Wyland Way. She said Campbell did not get out of the Explorer. When investigators told her they saw him get out of the Explorer at this location, she admitted this was true and that Campbell's [redacted] resided there. She stated that she did not know why Campbell stopped on Goodall, but said that [redacted] Goodall was the residence of another of Campbell's [redacted]

Wilfred maintained that she did not know that the persons who initially approached them were police officers. She believed they were being attacked by Hispanics and wondered why Campbell did not stop for assistance when he saw the police car. She told Campbell that the cars following them were Mexican gang members and he replied, "No, they are not." She asked him, "Tommie, what's going on?" Campbell told her to stay calm and said it was going to be alright.

Wilfred said that Campbell put the bag of marijuana inside of her purse. She further stated that Campbell owned a stun gun, but did not know if he owned a pistol or handcuffs.

The owner of the East Wyland residence is Campbell's [redacted] She stated that Campbell visited the residence occasionally and that she had seen him park the Beretta behind her house approximately one week before. She did not see the car again until the date of this incident.

[redacted] also resides at the East Wyland home and is Campbell's [redacted] She said the Beretta belonged to Campbell. Earlier that day, Campbell asked her to drive it to a repair shop and followed her in the Explorer. When they arrived at the repair shop, they learned it was going to close soon, so they drove back to the East Wyland residence and went inside. After a short period of time, Campbell exited the house, stood in the driveway for a while, then drove away in the Explorer.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears that the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. People v. Williams, (1977) 75 Cal.App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions—Criminal 5.30, 5.32.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo, (1948) 85 Cal. App. 2d 577.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight . . . The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. Graham v. Conner, (1989) 490 U.S. 386, 396-397

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins, (1961) 189 Cal. App. 2d 575.

In this case, the deputies were justified in their use of deadly force. Initially, detectives sought merely to detain Campbell to determine if he was involved in narcotics activity. Campbell instead chose to endanger lives by driving in reverse at high speed directly at Detectives Ewing and Leavins, before ramming Detective Ferguson's vehicle. Clearly, Ewing and Leavins were in imminent danger of death or great bodily injury and Ewing's resort to deadly force was justified.

Campbell then led Detective Ferguson and Sergeant Scinocca on a dangerous vehicle chase through a residential area, before returning to the scene of the first shooting incident on Goodall. Campbell again drove at high speed directly at Detective Leavins. Leavins' belief that Campbell had returned to kill him, because he had chosen not to leave the area, was reasonable. This is especially the case given that Campbell had previously driven directly at him a short time before. Moreover, as Campbell drove toward Scinocca, he also believed that Campbell had possibly returned to harm him. Thus, Leavins' use of deadly force in self-defense was justified. Detective Ewing's use of deadly force in defense of Leavins at this juncture was also justified.

After Campbell collided with Sergeant Scinocca's vehicle and crashed into the wall, he ignored commands to get on the ground, assumed a crouched position and kept his hands in the area of his waist. Scinocca, Ferguson, Ewing and [redacted] fired rounds at him because they believed he was attempting to retrieve a weapon. As Ferguson explained, he believed Campbell was a narcotics dealer and a gang member who was going to do whatever he had to do to get away. The soundness of these assessments and actions by the deputies cannot be reasonably questioned in hindsight. After all, Campbell had just driven at high speed toward Detective Leavins for the second time.

The fact that investigators subsequently learned that Campbell was not armed with a firearm during the confrontation on El Sur does not detract from our conclusion. We are satisfied that the deputies responded with deadly force because they honestly and reasonably believed they were confronted with the appearance of imminent mortal danger—the law requires no more to justify acting in self-defense and the defense of others.

Prior to reaching the scene at El Sur, Deputy Bash heard gunshots, then heard what he believed was the sound of bullets "wiz" by his head. He saw Campbell crouching down, holding his right hand in a fist-like manner and covering it with his left. Bash saw Detective Ferguson firing at Campbell and, he believed, Wilfred. It was objectively reasonable for Bash to conclude that Campbell and Wilfred were engaging the deputies in a gun battle, given the totality of the circumstances. After firing his initial volleys at both Campbell and Wilfred, Bash saw Wilfred holding her hands down toward her waistband as if she had a gun. Bash's observations of Wilfred's hand position, was corroborated by Sergeant Scinocca, who stated that Wilfred looked in his (Scinocca's) direction and moved her right hand up along her pant leg to her right hip. Thus, Bash's use of deadly force against Campbell and Wilfred was justified. Bash responded with deadly force because he honestly and reasonably believed that he and his fellow deputies were confronted with the appearance of imminent mortal danger

We conclude that the deputies acted reasonably and lawfully in self-defense and in defense of others when they used deadly force against Tommie Campbell. We further conclude that Deputy Bash acted reasonably and lawfully in self-defense and in defense of others when he used deadly force against Simona Wilfred. We are therefore closing

our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Edward A. Miller

EDWARD A. MILLER
Deputy District Attorney
(213) 974-5090

c: Detective Troy Ewing #[redacted]
Detective Steve Leavins #[redacted]
Detective Angus Ferguson #[redacted]
Sergeant Nick Scinocca #[redacted]
Deputy [redacted] #[redacted]
Deputy Alan Bash #[redacted]